

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

DECLARATION AND POWER OF ATTORNEY

As a below named inventor, I hereby declare that:

My residence, post office address and citizenship are as stated below next to my name. I believe I am the original, first and sole inventor (if only one name is listed below) or an original, first and joint inventor (if plural names are listed below) of the subject matter which is claimed and for which a patent is sought on the invention entitled **Composite Scaffolding Plank and Method of Forming Same**, the specification of which

(check : ☒ is attached hereto.
one) _____ was filed on _____ as Application Serial No. _____ and was _____

I hereby state that I have reviewed and understand the contents of the above identified specification, including the claims, as amended by any amendment referred to above.

I acknowledge the duty to disclose information which is material to the examination of this application in accordance with Title 37, Code of Federal Regulations, § 1.56(a).

I hereby claim foreign priority benefits under Title 35, United States Code, § 119 (a)-(d) of any foreign application(s) for patent or inventor's certificate listed below or of any PCT international application(s) designating at least one country other than the United States of America listed below and have also identified below any foreign application for patent or inventor's certificate or any PCT international application(s) designating at least one country other than the United States of America filed by me on the same subject matter having a filing date before that of the application on which priority is claimed: **NONE**.

I hereby claim the benefit under Title 35, United States Code, § 119(e) of any United States provisional application(s) listed below: **See Priority Claim Under § 120.**

I hereby claim the benefit under Title 35, United States Code, § 120 of any United States application(s) listed below and, insofar as the subject matter of each of the claims of this

CERTIFICATION OF MAILING UNDER 37 C.F.R. 1.10

I hereby certify that this correspondence is being deposited with the United States Postal Service on the date shown below in an envelope as "Express Mail Post Office to Addressee": Mailing Label Number **EE 397 622 334 US** addressed to the Assistant Commissioner for Patents, Washington, D.C. 20231.

Date: 3-24-00


James E. Bolce
Registration No. 44,545

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application is not disclosed in the prior United States application in the manner provided by the first paragraph of Title 35, United States Code § 112, I acknowledge the duty to disclose material information as defined in the Title 37, Code of Federal Regulations, § 1.56(a) which occurred between the filing date of the prior application and the international filing date of this application: **This application is a continuation-in-part and claims the benefit of U.S. Continuation-in-part Patent Application Number 09/320,221, filed by Honein on May 26, 1999, which itself claims the benefit of U.S. Patent Application Number 09/739,799 filed by Honein on October 30, 1996, which itself claims the benefit of U.S. Provisional Application Number 60/005,774 filed by Honein on October 31, 1995.**

I hereby declare that all statements made herein of my own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patent issued thereon.

As a named inventor, I hereby appoint the following attorney and/or agent to prosecute this application and transact all business in the Patent and Trademark Office connected therewith.

Kenneth A. Keeling, Registration No. 31,842
James E. Boice, Registration No. 44,545

Send correspondence to:

KEELING LAW FIRM

901 North Post Oak Road

Houston, Texas 77024-3845

Telephone (713) 680-1447; Facsimile (713) 680-8567

Full Name of Inventor	First Name, Middle Initial, Last Name Joseph Honein
Residence & Citizenship	City, State, Country of Citizenship Houston, Texas, U.S.A.
Post Office Address	Post Office Address, City, State or Country, Zip 11040 Jones Road West, Houston, Texas, 77065

SIGNATURE: *J.A. Honein* DATE: 3-28-2000
Joseph Honein, Inventor

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Honein

Serial Number: 09/537,606

Filed: 03/09/00

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Art Unit: 3634

Examiner: A. Chin Shue

For: Composite Scaffolding Plank and Method of Forming Same

DECLARATION OF CARL COOK UNDER 37 C.F.R. SECTION 1.132

I, Carl Cook, declare and say:

That I am a citizen of the United States and I reside at 13918 East Cypress Forest, Houston, Texas;

That I graduated from IFF -EET and CBS-BT;

That I am the President and owner of Indian Mill and Lumber, Inc. ("IML") located at 11107 Jones Road, West; Houston, Texas, 77065-3616;

That IML is considered one of the leaders in the scaffold plank industry;

That I have been involved in the lumber and scaffold plank industry for 5 years;

That I am familiar with the above-identified patent application Serial No. 09/320,221 and with the following references identified by the Examiner: U.S. Patent Application No. 3,144,892 issued to Webster, U.S. Patent Application No. 3,099,301 issued to Bennett and Danish Patent 84807 issued to Larsen;

That Webster does not teach a scaffold plank or a structure that could be used as a scaffold plank. The Webster structure could not safely support a person thereon without breaking. By aligning boards such that their wide sides interface, Webster teaches the construction of a plank that would be 3½" thick using nominal 2"x4" boards, which would render it too heavy to safely carry or manipulate. Thus, the Webster structure is useless as a scaffold plank;

That, in a like manner Bennett, which describes compression of boards to correct defects in warped boards, teaches away from the present invention. Bennett's invention contemplates separating boards after they have been straightened, while the present invention is designed to keep boards permanently attached to create a scaffolding plank;

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That Larsen teaches planking that requires exact spacing of wooden crossbeams, which is not an industry standard in the U.S. Furthermore, the planks taught by Larsen would not be in field compliance with OSHA Standard 29 CFR 1926.451's requirements for scaffold plank securement;

That, to my knowledge, the Applicant is the first to successfully pin wooden boards together transversely to their smallest dimension without splitting any of the wooden boards, and those in the planking industry actively posed the position that such pinning was technically impossible;

That IML has experienced exceptional commercial success in selling the pinned scaffold plank. In 1996, pinned scaffold plank sales were de minimus and accounted for less than 1% of the total OSHA approved scaffold plank sold in the U.S. In 1997, sales of pinned scaffold plank was \$600,000, accounting for 2% of the total sales of OSHA approved scaffold plank sold in the U.S. that year. In 1998, sales of the pinned scaffold plank reached \$1.4 million, accounting for 5% of all OSHA approved scaffold plank sold in the U.S. that year. In 1999, sales of pinned scaffold plank reached over \$1.6 million, accounting for 7% of all OSHA approved scaffold plank sold in the U.S. Projected sales for pinned scaffold planking in 2000 is over \$2.0 million, accounting for 9% of all OSHA approved scaffold plank sold in the U.S. These figures demonstrate that the pinned scaffold plank has had a substantial market share increase each year since its introduction to the marketplace in late 1996;

That, as of September 1999, there are in excess of 350,000 pinned scaffold plank units in use worldwide;

That IML continuously visits industrial plants to market the pinned scaffold plank. Normally, IML requests that the workers in such plants select the strongest scaffolds in their current stock. IML then tests the pinned scaffold plank against the current stock scaffold. The pinned scaffold plank invariably outperforms and is stronger than the current stock scaffold;

That I have observed that the pinned scaffold plank resists cupping in the planks, said cupping being common and hazardous in solid wooden planks, and thus poses a slipping hazard to workers from accumulated water and ice on the plank;

That based on its performance, the pinned scaffold plank has been selected by a number of such plants as the only allowable scaffold plank that may be purchased at such plant;

That the State of California Occupational Safety and Health Administration, a state worker safety rule and enforcement agency whose requirements typically exceed those of the U. S. Department of Labor OSHA, has approved the pinned scaffold plank for scaffolding use;

That, due to its commercial success and performance, the pinned scaffold plank is now accepted in the industry. Renowned industry organizations, such as the Carpenter's Union, the Scaffold Industry Association, and Masonry Construction Magazine, now refer to three types of scaffold planks: the solid planks, the laminated planks, and the pinned planks;

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon;

Further declarant saith not.

Date: 8-8-00



Carl Cook,
Declarant

10035998-123601

IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Applicant: Joseph Honein

Serial Number: 09/537,606

Filed: 03/29/00

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Art Unit: 3634

Examiner: A. Chin Shue

For: Composite Scaffolding Plank and Method of Forming Same

DECLARATION OF JOSEPH HONEIN UNDER 37 C.F.R. SECTION 1.132

I, Joseph Honein, declare and say:

That I am a citizen of the United States and I reside in Houston, Texas;

That I am the inventor in the above-identified patent application;

That I graduated from CBI Inspection and Testing in Texas with a Level II degree;

That I have been involved in the scaffolding plank industry since 1962;

That I am familiar with the above-identified patent application Serial No. 09/320,221 and with the following references identified by the Examiner: U.S. Patent No. 3,144,892 issued to Webster, U.S. Patent No. 3,099,301 issued to Bennett and Danish Patent 84807 issued to Larsen;

That Webster does not teach a scaffold plank, and in particular does not teach the composite scaffolding plank and method of my application. Webster teaches wood panels and a method for making the same. From Webster's Figure 1, it is clear that a substantial number of rows of the Webster structure consist of more than one board. If this structure is used as a scaffold plank, the structure would likely break at least along the junction between the different boards in each row. It is clear to me that the structure of Webster's Figure 1 could not serve as a scaffold plank under the current OSHA regulations. I would not look to Webster for guidance in constructing a scaffold plank that meets OSHA regulations. I also do not consider Webster to be related to the scaffolding industry;

That Webster's Figure 1 shows a threaded dowel being inserted transversely to the longitudinal axis of the boards and also parallel to the sides of the boards, with the height of the board sides being the smallest dimension of the board. Importantly and contrary to Webster's teaching, the claimed invention teaches the insertion of a helical

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pin transversely to the longitudinal axis of the boards and transversely to the sides of the boards, with the height of the board sides being the smallest dimension of the board.

That Larsen teaches planking that requires exact spacing of wooden crossbeams, which is not an industry standard in the U.S. Furthermore, the planks taught by Larsen would not be in field compliance with OSHA Standard 29 CFR 1926.451's requirements for scaffold plank securement;

That prior and subsequent to my conception and reduction to practice of the present invention, I have never seen nor heard of anyone in the industry using Bennett's board straightening technique or Larsen's scaffolding planking system;

That, to my knowledge, I am the first to successfully pin wooden boards together transversely to their smallest dimension without splitting any of the wooden boards;

As background, prior to my invention, two types of scaffold planks existed in the prior art: the solid single board plank and the laminated plank. The solid single board plank comprises one wide wooden board. The laminated plank comprises multiple layers of wooden plyes glued together;

Each of the two types of prior art scaffold planks have their drawbacks. Due to the limited resources of old growth forests and the harvesting schemes for new growth timber, the yield of wooden boards wide enough from which to construct a solid single board plank is decreasing. Typically, only the center portion of a large tree is sufficiently broad to produce a solid single board plank. Thus, with a decreasing yield, the solid single board planks are becoming more costly and difficult to make. The main drawback of laminated planks is due to the fact that laminated planks primarily consist of glued layers of wooden plyes. Such glued layers of wooden plyes absorb substantial amounts of moisture. After absorbing enough moisture, the components of the laminated plank pulps and the plank can no longer be used as a scaffold. Likewise, any time a laminated plank breaks, it loses its strength and consistency and can also no longer be used as a scaffold;

That I decided to conceive a means to build a scaffold plank that was as strong and as durable as a solid single board plank, that did not require the use of wider trees, and that did not have the weaknesses inherent in laminated planks;

That, after much experimentation, I constructed a machine that successfully pins multiple wooden boards together. The machine pins narrower wooden boards together in a direction normal to their longitudes and in a direction normal to the smallest dimension of the wooden boards. The machine thus enables the production of scaffold planks that were comprised of a multiple number of narrower wooden boards, that did not require the use of wider trees, and that did not have the weaknesses inherent in laminated planks;

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That, at the time of my invention, many people in the industry were certain that attempting to pin wooden boards transversely through their smallest dimension would result in the splitting of the wooden boards;

That, although I expected my plank to function, the exceptional performance of the pinned scaffold plank was unexpected, particularly in comparison to other prior art planks. My pinned scaffold plank is as strong, if not stronger, than commonly used prior art single-board solid scaffolds. At least three unexpected results were achieved by the pinned scaffold plank and its method of production. First, the pinned scaffold plank is more rigid than a solid single board plank, yet the pinned scaffold plank can withstand more flexural and horizontal shear stress than the solid single board plank before breaking. Second, the spaced apart pinning of the wooden boards creates a sharing of load (on the plank) which negates the weak spots (knots) found in the wooden boards. This load sharing increases the overall strength of the plank up to 20%. Third, pinning multiple wooden boards together creates a safety factor that is unique to the pinned scaffold plank. When the pinned scaffold plank is overstressed to the point of failure, only one of the wooden boards will normally break. The worker standing on the pinned scaffold plank can hear and see the single wooden board breaking, allowing the worker enough time to get to safety. Prior art scaffold planks do not have this safety factor. When a prior art scaffold plank breaks, the failure is typically sudden putting the life of the worker in danger;

That the undersigned declares further that all statements made herein of his own knowledge are true and that all statements made on information and belief are believed to be true; and further that these statements were made with the knowledge that willful false statements and the like so made are punishable by fine or imprisonment, or both, under Section 1001 of Title 18 of the United States Code and that such willful false statements may jeopardize the validity of the application or any patents issuing thereon;

Further declarant saith not.

Date: 8-18-00

Joseph Honein
Joseph Honein,
Inventor and Declarant

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PTO/SB/81 (11-96)

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**POWER OF ATTORNEY OR
AUTHORIZATION OF AGENT,
NOT ACCOMPANYING
APPLICATION**

Application Number	09/537,606
Filing Date	03/29/00
First Named Inventor	Joseph Honein
Group Art Unit	3634
Examiner Name	A. Chin-Shue
Attorney Docket Number	IM 1725 DIV

I hereby appoint:

☐ Practitioners at Customer Number

OR

☒ Practitioner(s) named below:

Place Customer
Number Bar Code
Label here

Name	Registration Number
Kenneth H. Johnson	22,966

as my/our attorney(s) or agent(s) to prosecute the application identified above, and to transact all business in the Patent and Trademark Office connected therewith.

Please change the correspondence address for the above-identified application to:

☐ The above-mentioned Customer Number.

OR


<input checked="" type="checkbox"/> Firm or Individual Name	Kenneth H. Johnson				
Address	P.O. Box 630708				
Address					
City	Houston	State	TX	ZIP	77263
Country	U.S.A.				
Telephone	713-780-7047	Fax	713-780-7671		

I am the:

☒ Applicant.

☐ Assignee of record of the entire interest
Certificate under 37 CFR 3.73(b) is enclosed

SIGNATURE of Applicant or Assignee of Record

Name	Joseph Honein
Signature	
Date	5-23-01

Burden Hour Statement: This form is estimated to take 0.2 hours to complete. Time will vary depending upon the needs of the individual case. Any comments on the amount of time you are required to complete this form should be sent to the Chief Information Officer, Patent and Trademark Office, Washington, DC 20231. DO NOT SEND FEES OR COMPLETED FORMS TO THIS ADDRESS. SEND TO: Assistant Commissioner for Patents, Washington, DC 20231.

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REVOCATION OF POWER OF ATTORNEY OR AUTHORIZATION OF AGENT

Application Number	09/537,606
Filing Date	03/29/00
First Named Inventor	Joseph Honein
Group Art Unit	3634
Examiner Name	A Chin Shue
Attorney Docket Number	IM 1725 DIV

I hereby revoke all previous powers of attorney or authorizations of agent given in the above-identified application:

☒ A Power of Attorney or Authorization of Agent is submitted herewith.

OR

☐ Please change the correspondence address for the above-identified application to:

☐ Customer Number

OR

Place Customer
Number Bar Code
Label here

<input checked="" type="checkbox"/> Firm or Individual Name	Kenneth H. Johnson				
Address	P.O. Box 630708				
Address					
City	Houston				
Country	U.S.A.	State	TX	ZIP	77263
Telephone	713-780-7047	Fax	713-780-7671		

I am the:

☒ Applicant.

☐ Assignee of record of the entire interest
Certificate under 37 CFR 3.73(b) is enclosed

SIGNATURE of Applicant or Assignee of Record

Name	Joseph Honein
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Signature	
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Date	5-23-01
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